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# CANADA'S MIGRATORY BIRD REGULATIONS



CANADIAN WILDLIFE SERVICE  
Department of Indian Affairs and Northern Development

## **How many ducks and geese are in my share?**

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Like all wildlife in Canada, migratory game birds belong to the people.

In frontier days, most people needed game to supplement their meagre rations, but very few Canadians live off the land today. Most hunters today are not "meat hunters". They are sportsmen looking for a challenge to their skill and a change from the hectic pace of modern living.

Canada's population is growing rapidly, and hunting pressure is becoming particularly high in areas around towns and cities. We must try to ensure that each hunter takes only his fair share of the stock.

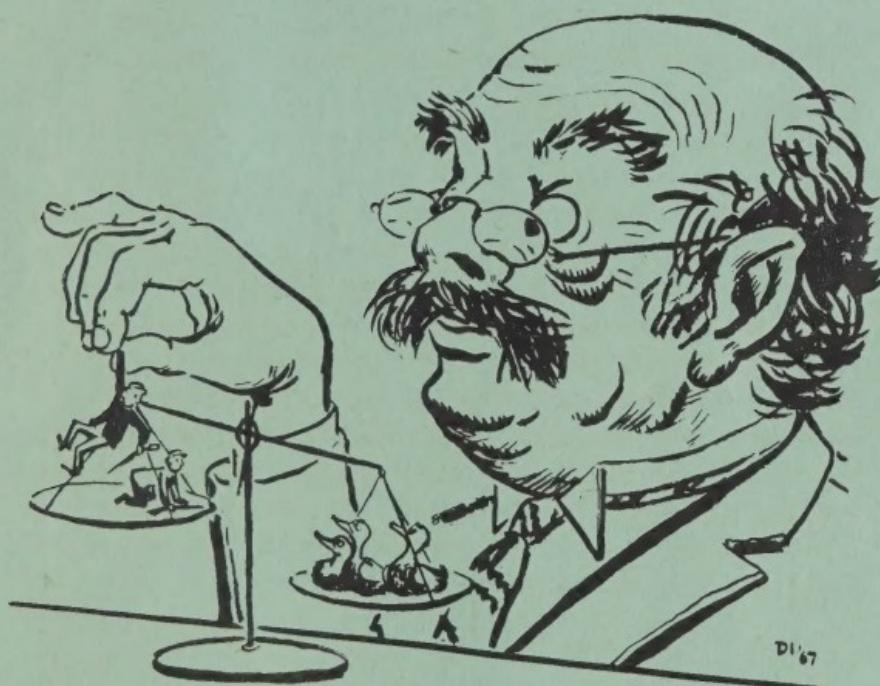
"But how", you might ask, "is my share of the available game determined?" Biologists of the Canadian Wildlife Service and the provincial game departments, Ducks Unlimited, the U.S. Fish and Wildlife Service and state game departments, keep track of the changing continental status of waterfowl by surveys of breeding grounds and wintering grounds. These are made both from the air and on the ground. The results of banding and of wing and kill surveys all help to complete a gigantic jigsaw puzzle that provides a picture of the seasonal ebb and flow of numbers and of long-term trends in population. From that picture is determined the size of the surplus which can be harvested without endangering the breeding population.

Now comes the question of fair distribution. To answer it biologists must try to balance the available supply of waterfowl with the probable hunting pressures in the areas that the ducks will pass through as they migrate south in the autumn. Hunting pressure is a product of number of hunters, the length of time they hunt, and the number of birds they may take. There are, of course, unforeseen or unpredictable variables like weather during hunting seasons that make estimates of probable kill a real challenge. When hunting pressure has been estimated, a judgment is made as to the most fair arrangement of seasons and bag limits that will result in a total kill more or less in balance with the harvestable surplus. Except in limited areas, such as some public shooting grounds, it hasn't been found practical to limit the number of hunters, so hunting pressure is controlled by limiting the open seasons, daily shooting hours, and bag and possession limits.

If regulations were too liberal, the surplus plus some of the breeding population would be harvested. If that happened consistently we would get to the point where hunting would have to be prohibited.

Regulations are changed as migratory bird populations increase or decrease. However, not all species are abundant at the same time or place. A conscientious hunter learns to tell the different species apart so he will not shoot by accident a species that is in short supply.

As a hunter, you are required to know the regulations. This question and answer booklet has been prepared by the Canadian Wildlife Service to help you understand the reasoning behind the regulations. The complete text of the Migratory Birds Regulations may be obtained by writing to the Director, Canadian Wildlife Service, Ottawa, or by applying to one of the Wildlife Service field offices which are listed at the end of this booklet. Details of the regulations in your province are displayed in post offices during the hunting season and are available from Royal Canadian Mounted Police detachments and provincial game officers.



**BIOLOGISTS MUST TRY TO BALANCE THE SUPPLY OF DUCKS WITH PROBABLE HUNTING PRESSURES.**

## **What are the Migratory Birds Treaty, the Migratory Birds Convention Act, and the Migratory Birds Regulations?**

The Migratory Birds Treaty is an international agreement between Canada and the United States. The Treaty names the game birds generally recognized to be migratory, and sets certain limits on hunting seasons and on the taking and shipping of such birds. The terms of the Treaty, which was signed in 1916, can be altered only by a new treaty between Canada and the United States. A similar treaty between Mexico and the United States was signed in 1936.

The Migratory Birds Convention Act was passed by the Parliament of Canada in 1917. It sets forth the measures by which Canada fulfills her obligations as agreed to under the Migratory Birds Treaty with the United States. The Act may be amended by the Parliament of Canada, but any amendment must conform to the terms of the Treaty. The Act provides

authority for the Governor in Council to make regulations to protect migratory birds in accordance with the Treaty. It also makes provision for enforcement of the Act and of all regulations under it.

The Migratory Birds Regulations are passed by Order in Council, but must be in accordance with the Act. The Regulations cover the details of migratory bird protection including bag limits, open seasons for game birds, restrictions on hunting methods and equipment, and the issue and use of special permits for propagation, scientific purposes, and protection of crops.

## **What governments have jurisdiction over migratory birds?**

In general, wildlife in Canada is a provincial responsibility. The special federal interest in migratory bird legislation is derived from the British North America Act, which provides that the Government of Canada shall have all powers required to carry out obligations imposed by an external treaty on Canada or on any of its provinces. Therefore, while the provinces retain control of migratory birds within their boundaries, the adoption of laws to carry out the terms of the Migratory Birds Treaty is a federal responsibility. The provinces may pass game laws which relate to migratory birds, but such provincial laws as they apply to migratory birds may be more but not less restrictive than the federal laws.

The division of federal and provincial powers with respect to migratory birds has caused little difficulty. Some provinces incorporate the provisions of the federal migratory bird legislation into their provincial game laws. The game and fishery officers of all provinces are *ex officio* game officers under the Migratory Birds Convention Act and may enforce the Act and Regulations in addition to the game and fishery laws of their own province. The Federal Government consults closely with the provincial governments each year before proposed amendments to the Regulations are submitted to Privy Council for approval.

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## **Where can I get detailed information on regulations before I go hunting and who should I contact for information on local hunting restrictions?**

Detailed information on Migratory Birds Regulations is available from the Director, Canadian Wildlife Service, Ottawa, or from any field office of the Canadian Wildlife Service (see list on back cover). Offices of all

provincial game departments are also supplied with details of the current regulations.

In addition, posters are produced annually which contain the details of the regulations affecting each province and territory. These posters are displayed in all post offices throughout Canada. Also, abstracts of the Regulations are produced by the Canadian Wildlife Service and made available to the provincial game departments on request. Some provincial game departments include the Migratory Birds Regulations or abstracts in their own summaries of game regulations. News releases are produced each year on the details of the Regulations in each province. Game officers in all agencies, including the R. C. M. Police and provincial game departments, are provided with copies of the regulations.

Depending on where you intend to hunt and the type of hunting you intend to do, one of the above sources will be able to provide you with copies of the pertinent regulations.

## **Why is it important to learn to identify various species of ducks, and how can I learn identification techniques?**

Correct identification is really part of the fun of hunting. It becomes particularly important when species in short supply migrate with more abundant game birds. Species in short supply require protection. In addition,



**THE PROVINCES MAY PASS GAME LAWS WHICH RELATE TO MIGRATORY BIRDS, BUT SUCH PROVINCIAL LAWS AS THEY APPLY TO MIGRATORY BIRDS MAY BE MORE BUT NOT LESS RESTRICTIVE THAN THE FEDERAL LAWS.**

it is sometimes necessary to provide different bag limits or different open seasons for the various species of waterfowl in order to manage them properly. All such regulations are effective only if hunters are able to identify the various species of birds before they shoot. Scaup (bluebill) and goldeneye (whistler) in Eastern Canada can stand more hunting than they have been subject to. Thus, in some areas there is provision for a bonus bag of those species during the latter part of the season. (See the Regulations for details.)

It takes effort, but it is not too difficult to learn how to identify a bird in flight. Many books are available which describe the identifying features — the field marks — of the birds on the ground and in the air. The Canadian Wildlife Service has a pamphlet entitled "Ducks at a Distance", which contains illustrated descriptions of the birds you may see on your hunting trips. Other books available from your library or bookstore are:

*A Field Guide to the Birds* by R. T. Peterson  
*Ducks, Geese and Swans of North America*  
by F. H. Kortright  
*The Birds of Canada* by W. E. Godfrey

## **Are there any species of waterfowl for which there are no open seasons?**

Mallard populations have been low for several years, and bag and season lengths for this species have been reduced. The populations appear to be responding to this protection.

For some years there was a closed season on the Ross' goose, which now appears to be recovering from a low population level. Ross' goose may now be hunted, except that in the Alberta and Saskatchewan goose management areas the opening date is later than that for Canada and white-fronted geese. This permits the bulk of Ross' geese to leave the area before hunting begins.

There are no open seasons in Canada for whooping cranes or any of the shorebirds, with the exception of woodcock and Wilson's snipe.



**A WELL-TRAINED DOG MAY BE AS VALUABLE TO THE HUNTER AS HIS SKILL IN SHOOTING.**

## **How useful is a retriever?**

A well-trained dog may be as valuable to the hunter as his skill in shooting. Many crippled and killed birds, which otherwise would be lost or could be retrieved only with considerable effort and discomfort, can be added to your bag if you have a good dog with you. A good dog prevents waste and saves you trouble. One of the great pleasures of hunting is to watch a well-trained dog in the field.

## **During what hours of the day may I hunt?**

Throughout Canada migratory game birds may be hunted during the period beginning one-half hour before sunrise and ending one-half hour after sunset. The Regulations stipulate that if a person is found with a firearm in any place frequented by such game birds, it is prima facie evidence of hunting. "Prima facie" means the evidence is such that it is probable an offence was being committed — in this case, if you're found with a loaded firearm it is presumed that you were hunting. Should you be in a waterfowl hunting area prior to or after legal shooting hours, you should be particularly careful to have your gun unloaded and dismantled or cased. If a hunter is found with a firearm in a marsh or other area where waterfowl occur during the hours of night as described above, an enforcement officer has all the evidence he needs to charge the offender with hunting at night.

## **Are there any restrictions on the use of power-boats?**

A power-boat is defined as any boat, canoe, or yacht powered by electric, gasoline, oil, steam, or other mechanical motive power. A boat powered by an outboard motor, however, is not considered to be a power-boat when the motor has been detached and removed from the operating position.

The regulations dealing with the use of power-boats fall into two general categories, namely those dealing with the hunting of migratory game birds and those dealing with the retrieving of birds which are dead or injured.

### **Hunting with power-boats**

In the Province of Manitoba it is illegal for any person to use a power-boat for the purpose of hunting, killing, or attempting to kill a migratory game bird. In the rest of the provinces of Canada a power-boat may be used providing it is beached, resting at anchor, or fastened within or tied immediately alongside any type of fixed hunting blind.

### **Retrieving with power-boats**

In the Provinces of Alberta, Manitoba, and Prince Edward Island it is illegal to recover a dead or injured bird by the use of a power-boat.

In the Provinces of British Columbia, Saskatchewan, Ontario, and Newfoundland it is illegal to retrieve a dead or injured bird by the use of a power-boat while a person is in possession of a loaded firearm or when it is necessary to travel a distance of more than 200 yards from the place where the person was located when the bird was shot. In the Provinces of Quebec, Nova Scotia, and New Brunswick a person may use a power-boat and a loaded firearm to assist in retrieving the bird within that 200-yard limit.

## **Are there any regulations concerning the use of blinds and decoys?**

Throughout Canada it is illegal to hunt with live birds as decoys.

There are no general restrictions on the use of blinds or artificial decoys applicable throughout Canada. However, in Ontario it is not legal for one person to use more than one flock of decoys and that flock may not consist of more than 50 decoys. Two hunters in one boat may use up to 100 decoys in one flock. It is illegal in Ontario to place a flock of decoys within 100 yards of another flock of decoys. It is also illegal to place or use a blind or decoy more than 200 yards from the shore of a body of water.

In Quebec it is illegal to place a flock of decoys within 200 yards of another flock of decoys.

## **What are the general restrictions on hunting waterfowl?**

### **Seasons**

Migratory game birds may be hunted only during the open seasons specified for any region.

### **Firearms**

You may not hunt migratory game birds with a rifle, a shotgun that can contain more than three shells in the magazine and chamber combined (rifled slugs are prohibited), a shotgun larger than number ten gauge, or a cross-bow. Each hunter may have only one gun in his possession while hunting waterfowl. Swivel guns and machine-guns are forbidden by the Regulations also. A long-bow is allowed in the general open season as is a shotgun not larger than ten gauge.

### **Hunting aids**

Power-boats in motion may not be used while hunting. Aircraft, sailboats, and vehicles are also illegal. Similarly, those craft and vehicles may not be used to drive the birds toward a hunter.

Electrical or mechanical calling devices such as tape recorders, record players, etc., are not allowed. As mentioned earlier, live decoys are illegal also.

### **Protected species**

Many non-game birds share our wetlands with game species. Some of the non-game birds, which you may see on your hunting trips, and which are protected at all times, are loons, grebes, herons, plovers, sandpipers, yellow-legs, and gulls. Check the Regulations and your bird guide to become familiar with those species. The provincial governments protect many of the non-migratory species. Be sure to check your provincial regulations before you hunt.

## **Are there regulations concerning the use of bait to attract migratory birds?**

Bait is defined by the Regulations to mean corn, wheat, oats, or other grain or the products thereof, or any other food or materials that may attract migratory game birds.

Feeding ducks in itself is not illegal. However, it is illegal to hunt within one-quarter mile of any place where bait has been found or placed for ducks or geese during the open season or during the seven days preceding the open season. A game officer may post a baited area as an area where hunting is prohibited. A game officer may reopen an area to hunting seven days after the date he has inspected it and declared it clear of bait.

Shooting is allowed over agricultural crops and wild plants attractive to waterfowl.

## **May I sell ducks or geese that have been legally taken? May I give them away?**

It is illegal at any time for a person to sell, expose for sale, offer for sale, or buy a harvested migratory game bird. There are no restrictions on the giving of legally taken birds to another person. However, the onus of proof that a bird was lawfully killed and is lawfully being possessed by a person is on the person having it in possession.

Persons who hold propagating permits issued under the Migratory Birds Regulations and raise wild ducks and geese in captivity may sell live birds to other propagating permittees. Such birds may be killed for consumption by the permittee or others but the carcasses may not be sold.



**SOME OF THE NON-GAME BIRDS WHICH YOU MAY SEE ON YOUR HUNTING TRIPS, AND WHICH ARE PROTECTED AT ALL TIMES, ARE LOONS, GREBES, HERONS, PLOVERS, SANDPIPERs, YELLOW-LEGS AND GULLS.**

## **What is meant by "bag limit", "possession limit", and "season limit"?**

"Bag limit" is the term applied to the total number of birds which may be killed during any one day. Daily bag limits are provided for most species of birds for which there is an open season.

"Possession limit" is the maximum number of birds that a person may have in his possession (in his game bag, house, car, freezer locker, etc.) at any one time. Possession limits are set out in the Regulations for most species for which there is an open season and are usually twice the daily bag limit.

Properly identified carcasses of birds may be possessed after the legal open season but must be disposed of before a certain date in each province. (See the Regulations.)

"Season limit" is the maximum number of birds that a person may take during any one open season for migratory birds. Season limits are not much used. However, in areas where complete control over the number of birds that a person takes in any one season is possible and desirable, they may be applied. Certain areas of James Bay and Hudson Bay in the Provinces of Ontario and Quebec have season limits on geese.

## **What am I permitted to do about migratory birds which damage my crops?**

Provision has been made under the Migratory Birds Regulations whereby a person may obtain a permit to take action to protect his crops. There are several types of permits available, depending on the extent of the area involved and the severity of the damage that is occurring or that is likely to occur. Any game officer may issue a permit to an individual, providing the area involved does not exceed 1,280 acres.

If damage to agricultural crops or other interests is occurring on your property, you should immediately contact the R.C.M. Police, a game officer, or the headquarters of the game department of your province. There are specific regulations dealing with the use of damage permits.

## **How can I, as a hunter, help to maintain or increase the numbers of ducks?**

Do not attempt sky "busting" or long-range shots, as 25-40 per cent of ducks shot are crippled and not retrieved. Follow the hunting regulations and encourage your friends to do so too. There's no more room for the game hog. Keep an eye on ponds, marshes, and potholes in your area. Try to prevent changes in land use which may damage or destroy duck habitat. Make sure that the persons who decide on drainage or reclamation projects know about the value of ducks and geese and the importance of wetlands to them. Talk about these problems at your conservation or rod and gun club, and make sure the proper authorities learn about them.

Migratory game bird hunters are now required to obtain a Canada Migratory Game Bird Hunting Permit in addition to any required provincial licence.

The new permit may be purchased (\$2) from post offices in rural districts and from postal stations in cities.

The permit has been instituted to facilitate a national waterfowl kill survey.

## Canadian Wildlife Service Offices

Director Canadian Wildlife Service 400 Laurier Avenue West, Ottawa, <b>Ontario</b>	Canadian Wildlife Service Room 900, Federal Public Building Winnipeg, <b>Manitoba</b>
Canadian Wildlife Service Eastern Region 293 Albert Street Ottawa, <b>Ontario</b>	Canadian Wildlife Service Post Office Building Aurora, <b>Ontario</b>
Canadian Wildlife Service Inuvik, <b>Northwest Territories</b>	Canadian Wildlife Service Suite 801, Place Laurier 2700 Boulevard Sir Wilfrid Laurier Ste. Foy, <b>Quebec</b>
Canadian Wildlife Service Fort Smith, <b>Northwest Territories</b>	Canadian Wildlife Service P.O. Box 2207 Halifax, <b>Nova Scotia</b>
Canadian Wildlife Service Whitehorse, <b>Yukon Territory</b>	Canadian Wildlife Service c/o Dept. of Forestry P.O. Box 4000 Fredericton, <b>New Brunswick</b>
Canadian Wildlife Service 6660 Northwest Marine Drive Vancouver, <b>British Columbia</b>	Canadian Wildlife Service P.O. Box 180 Sackville, <b>New Brunswick</b>
Canadian Wildlife Service 10177 104th Street Edmonton, <b>Alberta</b>	Canadian Wildlife Service Room 611, Sir Humphrey Gilbert Building St. John's, <b>Newfoundland</b>
Canadian Wildlife Service Customs Building Calgary, <b>Alberta</b>	
Canadian Wildlife Service Prairie Waterfowl Research Centre University of Saskatchewan Saskatoon, <b>Saskatchewan</b>	

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